IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8045 OF 2003

The Tasgaon Taluka Fale Fule
Bhajipala Utpadak Kharedi-Vikri
Sahakari Sanstha Maryadit,
Tasgaon Tal. Tasgaon District: Sangli
Through its Vice-President
Shri Babanrao Balwantrao Shinde ....Petitioner

V/s

1. The Assistant Registrar,
Co-operative Societies, Tasgaon,
District : Sangli and Ors. ...Respondents

Mr. R.D. Oak with Mr. R.V. More for the petitioner.
None for the respondents.

CORAM: V.G. PALSHIKAR &
V.M. KANADE, JJ.

DATE : 13th July, 2006

P.C.:

1. When the matter was called out, adjournment was sought on behalf of Shri More. On the earlier occasion i.e. on 27th June, 2006 the matter was adjourned to 11th July, 2006. At his request on 11th July, 2006, the matter was adjourned to 13th July 2006 i.e. today and today, again, the same prayer is repeated. We are unable to accept the same.

2. By this petition, the petitioner has made the following prayers:-

a) Rule be issued and relevant record and proceeding in connection with transfer of property viz. Plot No. 34 and 35 owned by the then Agriculture Produce Market Committee be called for from the file of the Respondent No.1 to 3;

b) By issuing appropriate writ, order and/or direction the Respondent No.1 to 3 to allot the building standing on the Plot No.34 owned by the then Tasgaon Taluka Sahakari Kharedi Vikri Sangh Ltd., Tasgaon to the petitioner society for the price valued by the Executive Engineer, Public Works Division, Sangli in valuation report dated 16.4.2003;

c) By issuing appropriate writ, order and/or directions this Hon'ble Court be pleased to quash and set aside the impugned order dated 17.10.2003 issued by the Deputy Secretary, Maharashtra State-Respondent No.3;

d) Pending the hearing and final disposal of this writ petition this Hon'ble Court be pleased to grant stay the effect, implementation, operation and/or execution of

the order dated 17.10.2003 issued by the deputy Secretary, Maharashtra State-Respondent No.3;

e) Pending the hearing and final disposal of this writ petition this Hon'ble Court be pleased to grant an injunction restraining the Respondent No.1 to 4, their officer, servants and/or any body claiming through them from disturbing peaceful possession over the two storied building standing on Plot No.34 owned by the then Tasgaon Taluka Sahakari Kharedi Vikri Sangh Ltd. Tasgaon;

f) Interim and ad-interim relief in terms of prayer clause "d" & "e" be granted;

g) Pass such other further order as this Hon'ble Court be deems, fit and proper in the peculiar facts and circumstances of the case;

3. From the above prayers, it will be seen that the petitioner is questioning transfer of property viz. Plot Nos. 34 and 35 which were initially owned by the Agriculture Produce Market Committee and then transferred to Tasgaon Taluka Sahakari Kharedi Vikri

Sangh. By second prayer, it is contended that the Building standing on plot No.34 should also be given to the petitioner - society.

4. Basically, what is questioned is transfer of property which cannot be done by filing a Writ Petition. Proper remedy for the same is a civil suit. Apart from that, reply has been filed on behalf of the Assistant Registrar, Co-operative Societies, Tasgaon, representing the State and the Registrar where a categorical statement is made that the petitioner - society is not working since last two years. It is stagnated since last two years. This affidavit is dated 20th December 2004. No fruitful purpose will be served in such circumstances to consider the prayers at the behest of the Society which is stagnated or not functioning. We, therefore, see no reason to interfere. Petition is dismissed.

(V.G.PALSHIKAR, J.)

(V.M. KANADE, J.)